

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACUITAS CAPITAL, LLC,

Plaintiff,

-v-

IDEANOMICS, INC.,

Defendant.

23 Civ. 2124 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On June 7, 2023, the Court held an initial pretrial conference in this case. For the reasons stated at the conference, the parties are directed to file, no later than June 8, 2023, an updated case management plan providing for the completion of discovery by June 30, 2023.

As to the issue of whether plaintiff Acuitas Capital, LLC (“Acuitas”) is an unregistered dealer, defendant Ideanomics, Inc. (“Ideanomics”) shall file, by June 12, 2023, a letter no longer than five single-spaced pages setting forth the basis for its application for discovery on this question and the implications of any determination that Acuitas is in fact an unregistered dealer. Acuitas shall file a response, also no longer than five single-spaced pages, by June 15, 2023. The Court will thereafter issue an order resolving this question.

Acuitas intends to move for summary judgment at the close of discovery. The parties shall file their submissions pursuant to the following schedule:

- Acuitas’s Brief in Support of Summary Judgment due on July 21, 2023;
- Ideanomics’s Opposition Brief due on August 11, 2023; and

- Acuitas's Reply Brief due on August 25, 2023.¹

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 7, 2023
New York, New York

¹ In the event that, based on the Court's resolution of the parties' discovery dispute, Ideanomics cross-moves for summary judgment, the parties shall file their cross-motions as follows: Acuitas's opening brief due on July 21, 2023; Ideanomics's combined opening brief and opposition due on August 11, 2023; Acuitas's opposition brief due on August 25, 2023; and Ideanomics's reply brief due on September 8, 2023.